

Attorney Docket No.: RTS-0235
Inventors: Bennett and Watt
Serial No.: 09/843,377
Filing Date: April 26, 2001
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REMARKS

Claims 1, 2, 4-10 and 12-14 are pending in the instant application. Claims 1, 2, 4-10 and 12-14 have been rejected. Claims 2, 4 and 14 have been canceled. Claims 1, 5, 6, 8 and 10 have been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Election/Restriction

The Restrictions Requirement has been deemed proper and made final, restricting the invention to nucleobases 1000 through 1092 of SEQ ID NO: 3. Accordingly, Applicants have amended the claims to refer only to the elected invention.

II. Rejection of Claims Under 35 U.S.C. 102/103

Claims 1, 2 12 and 14 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Watts et al. (WO 97/15674). The Examiner suggests that this reference teaches a reverse primer that possesses 88.9% identity with nucleotides 1073-1090 of SEQ ID NO: 3 and would thus specifically hybridize with the sequence as claimed and inherently inhibit

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expression of the gene. Applicants respectfully traverse this rejection.

At the outset, Applicants have amended claim 1 to limit the claimed invention to antisense compounds that have a specific modification, namely modified internucleoside linkages. Applicants have thus also amended, by dependency claim 12. Claims 2 and 14 have been canceled. Support for these amendments to the claims can be found throughout the specification as filed and were acknowledged by the Examiner to be allowable subject matter as stated in the Office Action dated July 18, 2003. The reference of Watts et al. fails to teach or suggest the modifications as now claimed. Accordingly, this reference fails to either anticipate or make obvious the invention of the amended claims (see MPEP 2131 and 2143). Withdrawal of this rejection is respectfully requested.

Claims 1 and 12 have been rejected under 35 U.S.C. 102(b) and 103(a) as being anticipated and/or obvious by Fernandez et al. (WO 99/51766). The Examiner suggests that this patent application teaches an oligonucleotide that possesses 100% identity with nucleotides 1046-1060 of SEQ ID NO: 3 and would thus specifically hybridize with the claimed gene and inherently

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inhibit its expression. Applicants respectfully traverse this rejection.

As discussed *supra*, have amended claim 1 to limit the claimed invention to antisense compounds that have a specific modification, namely modified internucleoside linkages. Applicants have thus also amended, by dependency claim 12. Support for these amendments to the claims can be found throughout the specification as filed and were acknowledged by the Examiner to be allowable subject matter as stated in the Office Action dated July 18, 2003. The reference of Fernandez et al. fails to teach or suggest the modifications as now claimed. Accordingly, this reference fails to either anticipate or make obvious the invention of the amended claims (see MPEP 2131 and 2143). Withdrawal of this rejection is respectfully requested.

III. Objection to the Claims

Claims 4-10 and 13 have been objected to as being dependent upon a rejected base claim but the Examiner indicates they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicants have amended the claims to place the limitations of

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these claims into claim 1. Further, the Examiner states that the modifications recited in these claims would not be obvious as they would have no apparent cost effective benefit. Accordingly, withdrawal of this objection is respectfully requested.

IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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